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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/650,855	08/29/2003	Kyung-Hun Jang	249/397	7411

27849 7590 04/29/2008  
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FALLS CHURCH, VA 22042

EXAMINER
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TAYLOR, NICHOLAS R

ART UNIT	PAPER NUMBER
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2141

MAIL DATE	DELIVERY MODE
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04/29/2008

PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

## Office Action Summary

Application No.

10/650,855

Applicant(s)

JANG ET AL.

Examiner

NICHOLAS TAYLOR

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**-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --**  
**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period **will** apply and **will** expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply **will**, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 21 February 2008.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-4,15 and 17-20 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-4,15 and 17-20 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 29 August 2003 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some \* c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO/SB/08)  
Paper No(s)/Mail Date \_\_\_\_\_.
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date: \_\_\_\_\_.
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: \_\_\_\_\_.

### **DETAILED ACTION**

1. A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114.

Applicant's submission filed on February 21st, 2008, has been entered.

2. Claims 1-4, 15, and 17-20 have been presented for examination and are rejected.

### ***Response to Arguments***

3. Applicant's arguments filed February 21st, 2008, with respect to the claims have been considered but are moot in view of the new grounds of rejection.

### ***Claim Rejections - 35 USC § 102***

4. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application

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filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

5. Claims 1-4, 15, and 17-20 are rejected under 35 U.S.C. 102(e) as being anticipated by Gubbi et al. (U.S. Patent 6,891,822).

6. As per claims 1 and 3, Gubbi teaches an open-source method for controlling a multimedia data generation rate, comprising:

(a) generating multimedia data in real time according to a current multimedia data generation rate and transmitting the multimedia data from a data generator to a wireless terminal; (Gubbi, col. 3, lines 23-44; col. 4, lines 23-40; see also fig. 1 architecture)

(b) supplying transmission buffer, through which the multimedia data is transmitted, state information and a multimedia data loss rate during the transmission of the multimedia data from a first layer of the wireless terminal to a second layer of the wireless terminal; (c) calculating a real-time multimedia data generation rate based on the transmission buffer state information and the multimedia data loss rate, and transmitting the real-time multimedia data generation rate from the second layer to the data generator; and (Gubbi, col. 7, lines 14-23 and 43-67; col. 8, lines 19-52; and see fig. 3)

(d) generating multimedia data in real-time according to the real-time calculated multimedia data generation rate and transmitting the generated multimedia data from the data generator to the wireless terminal (Gubbi, col. 3, lines 23-44; col. 4, lines 23-40; see also fig. 1 architecture)

wherein the transmission buffer state information includes an amount of standby multimedia data in the transmission buffer (Gubbi, col. 7, 43-67 and col. 8, lines 19-52).

7. As per claims 2 and 4, Gubbi teaches the system further wherein (c) comprises:

(c1) receiving the transmission buffer state information and the multimedia data loss rate from the second layer; and (Gubbi, col. 7, lines 14-23 and 43-67; col. 8, lines 19-52; and see fig. 3)

(c2) calculating the real-time multimedia data generation rate based on the transmission buffer state information, by lowering a current multimedia data generation rate when the transmission buffer state information indicates that a large amount of standby multimedia data exists in the transmission buffer or the multimedia data loss rate is high or increasing the current multimedia data generation rate when the transmission buffer state information indicates that a small amount of standby multimedia data exists in the transmission buffer or the multimedia data loss rate is low (Gubbi, col. 7, lines 14-23 and 43-67; col. 8, lines 19-52; and see fig. 3; e.g., see the high low threshold monitoring with associated rate change requests).

8. As per claim 15, Gubbi teaches the system further including a computer-readable recording medium on which a program enabling the method of claim 1 is recorded (Gubbi, col. 3, lines 23-44; col. 4, lines 23-40; see also fig. 1 architecture).

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9. As per claim 17, Gubbi teaches a method for controlling a multimedia data generation rate, comprising:

determining a current wireless channel state; and (Gubbi, col. 3, lines 23-44; col. 4, lines 23-40; see also fig. 1 architecture)

generating multimedia data in real time according to a calculated multimedia data generation rate and transmitting the generated multimedia data, wherein: when the current wireless channel state is variable, calculating the multimedia data generation rate based on transmission buffer state information and multimedia data loss rate, and (Gubbi, col. 7, lines 14-23 and 43-67; col. 8, lines 19-52; and see fig. 3)

otherwise, calculating the multimedia data generation rate based on a permissible polling cycle and packet length (Gubbi, col. 5, lines 42-568; line 53 to col. 9, line 24; fig. 4; where if no variability is detected the rate is not adapted)

wherein the transmission buffer state information includes an amount of standby multimedia data in the transmission buffer (Gubbi, col. 7, 43-67 and col. 8, lines 19-52).

10. As per claim 18, Gubbi teaches the system further wherein calculating the multimedia data generation rate based on transmission buffer state information and multimedia data loss rate comprises:

generating multimedia data in real time according to a current multimedia data generation rate and transmitting the multimedia data from a data generator to a first layer of the wireless terminal; and (Gubbi, col. 3, lines 23-44; col. 4, lines 23-40; see also fig. 1 architecture)

supplying the transmission buffer, through which the multimedia data is transmitted, state information and the multimedia data loss rate during the transmission of the multimedia data from a second layer in the wireless terminal to a third layer in the wireless terminal; and transmitting the multimedia data generation rate from the third layer to the data generator (Gubbi, col. 7, lines 14-23 and 43-67; col. 8, lines 19-52; and see fig. 3).

11. As per claim 19, Gubbi teaches the system further wherein calculating the multimedia data generation rate based on a permissible polling cycle and packet length comprises: receiving the current multimedia data generation rate; and receiving the permissible polling cycle and packet length (Gubbi, col. 5, lines 42-568; line 53 to col. 9, line 24; fig. 4).

12. As per claim 20, Gubbi teaches the system further wherein receiving the permissible polling cycle and packet length includes receiving from an access point (Gubbi, col. 3, lines 23-44; col. 4, lines 23-40; see also fig. 1 architecture).

### ***Conclusion***

13. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Nicholas Taylor whose telephone number is (571) 272-

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3889. The examiner can normally be reached on Monday-Friday, 8:00am to 5:30pm, with alternating Fridays off.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Rupal Dharia can be reached on (571) 272-3880. The fax phone number for the organization where this application or proceeding is assigned is (571) 273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

/NT/  
Nicholas Taylor  
Examiner  
Art Unit 2141

/Jason D Cardone/  
Supervisory Patent Examiner, Art Unit 2145